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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/679,153	10/10/2003	Tony Albrecht	5367-45	7515	
7590 09/30/2005			EXAMINER		
COHEN, PONTANI, LIEBERMAN & PAVANE			GOLUB, M	GOLUB, MARCIA A	
Suite1210 551 Fifth Aven	ıe		ART UNIT	PAPER NUMBER	
New York, NY			2828	2828	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	<i>W</i>			
	10/679,153	ALBRECHT, TONY				
Office Action Summary	Examiner	Art Unit				
	Marcia A. Golub	2828				
The MAILING DATE of this communication app	ears on the cover sheet with the	correspondence addre	ss			
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON	DN. timely filed m the mailing date of this comm NED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 10 O	ctober 2003.					
	action is non-final.		•			
3) Since this application is in condition for allowar	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11,	453 O.G. 213.				
Disposition of Claims	•	,				
4)⊠ Claim(s) <u>1-18</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdray						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-18</u> are subject to restriction and/or e	election requirement.					
Application Papers						
9) The specification is objected to by the Examine	er.					
10) The drawing(s) filed on is/are: a) acc	epted or b)☐ objected to by the	Examiner.				
Applicant may not request that any objection to the			•			
Replacement drawing sheet(s) including the correct						
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	e Action or form PTO-	152.			
Priority under 35 U.S.C. § 119			•			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:		a)-(d) or (f)				
1. Certified copies of the priority document						
2. Certified copies of the priority document			200			
 Copies of the certified copies of the prior application from the International Bureau 	•	ved in this National Sta	ige			
* See the attached detailed Office action for a list	•	ved.				
	,					
Addr also and (a)						
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summa	rv (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail	Date				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal	Patent Application (PTO-15	02)			

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- ١. Claims 1-9, drawn to semiconductor laser device, classified in class 372, subclass 70.
- 11. Claims 10-18, drawn to manufacturing method of the semiconductor laser, classified in class 438, subclass 29.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case process as claimed can be used to make other and materially different product.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject

Page 3

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcia A. Golub whose telephone number is 571-272-0218. The examiner can normally be reached on M-F 8-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have guestions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free)

andra Smith